

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Cvitkovich et al.

Serial No.: 09/787,461

Group Art Unit: 1614

Filed: March 3, 2001

Examiner: Phyllis Spivack

For: Use of Et 743 for Treating Cancer

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
2. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☒ Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in this application:

WO 99/58125- see papers submitted on Nov. 13, 2001.

WO 99/51238- see papers submitted on Nov. 13, 2001.

Valoti, Clin. Cancer Res., vol. 4, pages 1977-83, August 1998- see papers submitted on Nov. 13, 2001.

4. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
 - ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or

- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
- ☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
- ☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
- ☐ Charge the fee to Deposit Account No. 50-3732, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.
8. ☐ This Information Disclosure Statement is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).
- c. ☐ The fee due under 37 C.F.R. §§1.17(h) is paid as set forth in paragraph 11 below.
9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☐ This document is accompanied by ☐ a Search Report ☐ Communication which was cited in a corresponding ☐ PCT or ☐ Foreign counterpart application.

11. ☐ A check in the amount of \$ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- ☒ Charge any fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 50-3732, Order No. 13566.105002.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-3732, Order No. 13566.105002.

Respectfully submitted,
KING & SPALDING LLP

Dated: December 7, 2006

By:



Kenneth H. Sonnenfeld / Michael A. Willis
Reg. No. 33,285 / Reg. No. 53,913

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RELATED CASE STATEMENT

SERIAL NO. 09/787,461	FILING DATE March 3, 2001	ATTY. DOCKET NO. 13566.105002
APPLICANT Cvitkovich et al.		GROUP ART UNIT / EXAMINER 1614 / Phyllis Spivack

PENDING U.S. PATENT APPLICATIONS

EXAM. INITIAL		PATENT APPLICATION SERIAL NUMBER	FILING DATE	NAME OF FIRST-NAMED APPLICANT			
		11/261,876	28-Oct-2005	Jacob Beijnen et al.			
		10/575,132	7-Jul-2006	Sarah Donald et al.			
		10/416,086	17-Sep-2003	Naoto Takahashi et al.			
		10/492,320	18-Aug-2004	Jose Jimeno et al.			
		10/579,251	12-May-2006	Luca Gianni et al.			
		10/579,130	12-May-2006	Eric Keith Rowinsky et al.			
		10/579,160	11-May-2006	Mary Ellen Rybek			
		10/558,133	15-Nov-2006	Maurizio D'Incalci et al.			

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449A**INFORMATION DISCLOSURE STATEMENT**

SERIAL NO. 09/787,461	FILING DATE March 3, 2001	ATTY. DOCKET NO. 13566.105002
APPLICANT Cvitkovich et al.		GROUP ART UNIT / EXAMINER 1614 / Phyllis Spivack

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	PATENT OR PUBLICATION NUMBER	ISSUE OR PUB. DATE	NAME OF PATENTEE OR PPLICANT			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	PATENT OR PUBLICATION NUMBER	PUB. DATE	COUNTRY	NAME OF PATENTEE OR APPLICANT	TRANSLATION YES NO
	WO 99/58125	18-Nov-1999	WIPO	Rinehart et al.	in English
	WO 99/51238	14-Oct-1999	WIPO	Rinehart et al.	in English

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449B

INFORMATION DISCLOSURE CITATION

SERIAL NO.	FILING DATE	ATTY. DOCKET NO.
09/787,461	March 3, 2001	13566.105002
APPLICANT Cvitkovich et al.	GROUP ART UNIT / EXAMINER 1614 / Phyllis Spivack	
Examiner Initials	NON-PATENT REFERENCES (Author, Title, Date, Pertinent Pages, Etc.)	
		Valoti, Clin. Cancer Res., vol. 4, pages 1977-83, August 1998
EXAMINER	DATE CONSIDERED	
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		